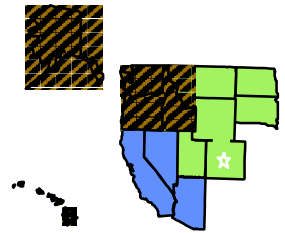




US Army Environmental Center Western Regional Environmental Office REGION 8 – AUGUST 2005 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations. Please contact Bob Gurdikian at WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844-0952, or fax: (303) 844-0951.

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WREO Information About Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

RECENT POSTING TO THE APPLICABILITY DETERMINATION INDEX – On June 22, 2005 ([70 FR 36141](#)), the United States Environmental Protection Agency (EPA) announced an update of the collection of applicability determinations, alternative monitoring decisions, and regulatory interpretations that EPA has made under the New Source Performance Standards (NSPS), the National Emission Standards for Hazardous Air Pollutants (NESHAP), and the Stratospheric Ozone Protection Program (SOPP). The general provisions provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. For more information, contact Paul Josephson, United States Army Environmental Center (USAEC), at (410) 436-1205. <http://cfpub.epa.gov/adi/>

CLEAN AIR EXCELLENCE AWARDS – The EPA announced competition for the Year 2005 Clean Air Excellence Awards ([70 FR 38133](#)). The program is open to both public and private entities in the United States. The application form is available from the Clean Air Act (CAA) Advisory Committee Web site at <http://www.epa.gov/air/caaac/about.html>. Applications must be postmarked by August 31, 2005.

REVISION OF SOURCE CATEGORY LIST OF CAA SECTION 112 – The EPA ([70 FR 37819](#)) is providing a list of changes to the NESHAP source category list that have occurred since the list was updated on February 12, 2002. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

NESHAP FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS – The EPA is reconsidering certain provisions of their NESHAPs for industrial, commercial, and institutional boilers and process heaters in response to petitions received after the standards were released in September 13, 2004. The EPA is requesting comments on specific provisions of the rule ([70 FR 36907](#)). For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

REGIONAL HAZE REGULATIONS AND GUIDELINES FOR BEST AVAILABLE RETROFIT TECHNOLOGY – The EPA issued a final rule to reflect their review of public comments received regarding the implementation of the Best Available Retrofit Technology (BART) requirements under the regional haze rule ([70 FR 39103](#)). For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

NESHAPS FOR MISCELLANEOUS COATING MANUFACTURING – The EPA has withdrawn a provision of its final rule regarding amendments to NESHAPs for miscellaneous coating

manufacturing due to adverse comments received (70 FR 38780). The comments will be addressed in a subsequent final action. The remaining provisions were effective on July 12, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

RECONSIDERATION OF NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR) IMPLEMENTATION UNDER 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) - On July 8, 2005 (70 FR 39413), the EPA announced it is reaffirming its final rule relating to major NSR provisions. The EPA has concluded that the requirements for nonattainment major NSR under the 8-hour standard will be based on a nonattainment area's classification for the 8-hour standard. In addition, states may remove their 1-hour major NSR programs from their SIPs now that EPA has revoked the 1-hour standard. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

EPA STAFF PAPER ON PARTICLE POLLUTION STANDARDS – The EPA Office of Air Quality Planning and Standards has released a staff paper, titled "Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information." The paper presents conclusions and recommendations as to potential revisions of the primary and secondary PM NAAQS. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213. The paper is available at http://www.epa.gov/ttn/naaqs/standards/pm/data/pmstaffpaper_20050630.pdf.

STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES – On June 30, 2005, the EPA released a proposed rulemaking that would set standards of performance for new stationary compression ignition internal combustion engines. The proposed standards would limit emissions of nitrogen oxides (NO_x), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and hydrocarbons (HC) from stationary diesel internal combustion engines to the same levels required by EPA's non-road diesel engine regulations. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213. A fact sheet on this rulemaking is available at http://www.epa.gov/ttn/oarpg/t3/fact_sheets/stadieselengineprop_fs.html

AIR TOXICS REQUIREMENTS DURING STARTUP, SHUTDOWN, AND MALFUNCTION – The EPA has released proposed amendments to the NESHAP general provisions that address startup, shutdown, and malfunction plans. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH THE CAA - The EPA announced (70 FR 39662) it is amending Table 1 to Subpart B of Part 63 to reflect the revised deadlines in a recently amended consent decree. The final rule amendment relates to boilers and hydrochloric acid production furnaces that burn hazardous waste. The effective date was July 11, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

APPROVAL OF COLORADO STATE IMPLEMENTATION PLAN (SIP) – The EPA is correcting errors in a document that was submitted on July 22, 2003, which approved Colorado's carbon monoxide redesignation to attainment and related revisions for Fort Collins (70 FR 38028). The rule is effective on August 1, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

WATER INFORMATION:

None.

WASTE INFORMATION:

CHROMATED COPPER ARSENATE WOOD MULCH – The EPA has issued a memorandum intended to clarify that wood mulch produced from chromated copper arsenate treated wood does not qualify for exemption from regulation as hazardous waste. For more information, contact Michael Eck, USAEC, at (410) 436-1265.

http://www.epa.gov/oppad001/reregistration/cca/mulch_text_only.htm

OTHER INFORMATION:

LEAD-BASED PAINT SYSTEM OF RECORDS – The EPA ([70 FR 35251](#)) established a new system of records under the federal Lead-Based Paint Program. The EPA implemented the new system of records on July 27, 2005.

ENVIRONMENTAL JUSTICE STRATEGIC PLAN – The EPA Office of Environmental Justice has released two draft documents regarding a framework for integrating environmental justice and an environmental justice strategic plan outline. The Office plans to use these documents as the foundation for the Environmental Justice Strategic Plan for 2006-2011, which will integrate environmental justice efforts into the agency's planning and budgeting processes. The documents are at <http://www.epa.gov/compliance/resources/reports/ej.html>.

DELETION OF METHYL ETHYL KETONE FROM TOXIC CHEMICAL RELEASE REPORTING – The EPA has deleted methyl ethyl ketone from the list of chemicals subject to reporting under the Emergency Planning and Community Right to Know Act and the Pollution Prevention Act ([70 FR 37698](#)). For more information, contact Craig Peters, USAEC, at (410) 436-1226.

IMAGING SPECTROSCOPY FOR DETERMINING RANGELAND STRESSORS TO WESTERN WATERSHEDS – The EPA has released a report discussing the use of remote sensing techniques to assess rangeland ecological condition in western states. The report is located at http://www.epa.gov/nerlesd1/land-sci/pdf/aviris_research.pdf

TOXICS RELEASE INVENTORY REPORTING FORMS MODIFICATION – The EPA has announced it is simplifying the Toxics Release Inventory (TRI) reporting requirements ([70 FR 39931](#)). This rule simplifies the TRI reporting requirements by removing some data elements from the Form R and Form A Certification Statement. The rule becomes effective on September 12, 2005. For more information, contact Craig Peters, USAEC, at (410) 436-1226.

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OTHER FEDERAL INFORMATION

MISCELLANEOUS AMENDMENTS OF HAZARDOUS MATERIALS REGULATIONS – The federal Department of Transportation (DOT), has finalized several miscellaneous amendments to the hazardous materials regulations ([70 FR 34066](#)). Changes include authorization for military shipments of hazardous materials to be packaged in accordance with the procedures prescribed in the DoD document entitled, "Packaging of Hazardous Material." For more information, contact Michael Eck, USAEC, at (410) 436-1265.

OPERATOR QUALIFICATIONS FOR PIPELINES – The Office of Pipeline Safety has confirmed that the direct final rule for operator qualifications, published on March 3, 2005, will be effective on the alternate date of July 15, 2005, due to the receipt of adverse comments ([70 FR 34693](#)). For more information, contact Michael Eck, USAEC, at (410) 436-1265.

PERCHLORATE REPORT – The Government Accountability Office (GAO) has released a report that reviews the status of efforts to cleanup perchlorate sites. The report can be found at <http://www.gao.gov/new.items/d05462.pdf>.

REMEDIATION TECHNOLOGIES TO CLEAN UP MILITARY SITES – The GAO has released a report that describes technologies currently used or under consideration by the DoD for groundwater remediation. The document is located at <http://www.gao.gov/highlights/d05666high.pdf>

DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT – On July 5, 2005 ([70 FR 38612](#)), the Department of Agriculture (USDA) announced it is proposing to add six categories to the list of biobased products for federal procurement. Comments are due by September 6, 2005.

PROPOSED CRITICAL HABITAT FOR THE SOUTHWESTERN WILLOW FLYCATCHER – The United States Fish and Wildlife Service (USFWS) reopened the comment period for the proposal to designate critical habitat for the southwestern willow flycatcher ([70 FR 39227](#)). Comments were due on July 18, 2005. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
Resource Training Institute	Multiple Dates	Multiple Sites	Continuing education regarding environmental issues such as compliance with the Clean Air Act, stack testing and analysis, and leadership development. www.RTII.org
DSMOA Training	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. https://webu.brooks.af.mil/webu/secure/onlinecourse.asp
USDA Forest Service Continuing Education Program	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004–September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: www.fs.fed.us/biology/education .
Environmental Regulations-Practical Application	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
Introduction to Cultural Resource Management Laws and Regulations	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. https://www.cecos.navy.mil/course/detail.cfm?courseid=25
2nd Sustainable Range Management Conference & Exhibition	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. www.rangecon.org
EPA Quality Systems Training Conference	August 30 – September 1, 2005	Denver, CO	The Annual EPA Quality Systems Training Conference provides series of courses and workshops for EPA personnel and stakeholders who are involved in planning, implementing, assessing, and managing environmental quality systems. http://zeus.alpha-gamma.com/epacondenver/
National Registry of Environmental Professionals Annual Conference	October 17-20, 2005	Las Vegas, NV	This year's theme is "Success Express." The conference will present case histories and programs on a wide variety of environmental topics. www.nrep.org .
Brownfields 2005	November 2-4	Denver, CO	Learn about brownfields cleanup, redevelopment, and reuse. Sponsored by the EPA and the International City/County Management Association. http://www.brownfields2005.org/en/index.aspx

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

DENVER CARBON MONOXIDE MAINTENANCE PLAN – The Colorado Department of Public Health and Environment (CDPHE) is revising the Denver Carbon Monoxide Maintenance Plan. A hearing is anticipated for September 2005. For more information, contact Mike Silverstein at (303) 692-3113.

REGIONAL HAZE PLAN – The CDPHE is preparing a regional haze SIP revision pursuant to Section 308 of the Regional Haze Rule. The issue will be brought before the Air Quality Control Commission (AQCC) at its August 18, 2005 meeting to decide which best available retrofit technology option will be used in the development of the regional haze element of the SIP. For more information, contact Steve Arnold at (303) 692-3220.

AMENDMENTS TO REGULATION 1 – The CDPHE approved an amendment to Regulation 1, Emission Controls for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides to revise the requirements for Fort Carson military training exercises. The CDPHE adopted the regulation at a public hearing held on July 21, 2005. The effective date is September 30, 2005. For more information, contact Kirsten King at (303) 692-3111.

REVISIONS TO REGULATION NUMBER 3 – The CDPHE approved revisions to Regulation Number 3 and the Common Provisions Regulation to conform the rules to recent changes in federal regulations that pertain to the deletion of certain compounds listed as either hazardous air pollutants or volatile organic compounds. The CDPHE adopted the revisions at a public hearing on July 23, 2005. The effective date is September 30, 2005. For more information, contact Jean Terry at (303) 692-3255.

CHANGES TO EPA NESHAP RULES AND RECOGNITION OF ENVIRONMENTAL LEADERSHIP PROGRAM – The CDPHE is proposing to adopt by reference changes made to EPA's NESHAPs. The NESHAP changes would apply to Regulation 8, Part E- MACT standards. The CDPHE is also proposing to recognize the Environmental Leadership Program. A hearing was held on July 21, 2005. For more information, contact Melanie Loyzim at (303) 692-3147.

WATER INFORMATION:

BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER – The CDPHE is proposing revisions to its basic standards and methodologies for surface water, Regulation 31. The revisions was considered at the Water Quality Control Commission (WQCC) hearing on August 8, 2005. For more information, contact Diana Glaser at (303) 692-3469.

TRIENNIAL REVIEW OF CHATFIELD RESERVOIR CONTROL REGULATION – The WQCC is performing a triennial review to consider revisions to Regulation 73, the Chatfield Reservoir Control Regulation. A rulemaking hearing to consider revisions to this regulation is scheduled for October 11, 2005. For more information, contact Diana Glaser at (303) 692-3469.

AMENDMENTS TO REGULATION 61 AND REGULATION 84 – The CDPHE is proposing revisions to the Colorado Discharge Permit System Regulations, Regulation 61 and the Reclaimed Domestic Wastewater Control Regulation, Regulation 84. The CDPHE held a public hearing on the proposed revisions on August 8, 2005. For more information, contact Wes Carr at (303) 692-3613.

AMENDMENTS TO THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION REQUIREMENTS – The CDPHE is proposing amendments that are designed to more precisely define certain operator classifications. The Operator's Certification Board will hold a public hearing on August 30, 2005. For more information, contact Paul Frohardt at (303) 692-3468.

WASTE INFORMATION:

AMENDMENTS TO UPDATING COMMISSION FEES TO REFLECT 2005-2006 FISCAL YEAR – The CDPHE amended 6 CCR 1007-3 Section 6.04 to reflect fiscal year 2005-2006. The amendments would not change the Hazardous Materials and Waste Management Commission fees. The amendments will become effective on September 1, 2005. For more information, contact Laurie Perila at (303) 692-3467.

ASBESTOS REGULATIONS – The CDPHE is proposing changes to the solid waste regulations that will development requirements for the management of asbestos-contaminated soil. A workgroup meeting was held on July 15, 2005 and an additional workshop was held on August 10, 2005 to discuss the regulatory language. A presentation to the Board of Health is expected in late 2005. For more information, contact Colleen Brisnehan at colleen.brisnehan@state.co.us.

AMENDMENTS REGARDING HAZARDOUS WASTE REGULATIONS - The CDPHE is proposing amendments to the Hazardous Waste regulations regarding requirements for used oil storage, contingency plans, transfer facilities, hazardous waste listing, and generator treatment and land disposal restrictions. The CDPHE will hold a public hearing on August 16, 2005 to consider adoption of the proposed amendments. For more information, contact Randy Perila at (303) 692-3364. The notice of proposed changes can be found on the following Web sites:

Used oil storage requirements -

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1346

Contingency plan requirements -

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1345

Transfer facility requirements -

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1344

Hazardous waste listing requirements -

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1343

Generator treatment and land disposal restriction requirements -

http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1342

AMENDMENTS TO THE UNDERGROUND AND ABOVEGROUND STORAGE TANK REQUIREMENTS – The Colorado Department of Labor and Employment is proposing to amend the Underground and Aboveground Storage Tank Regulations. The amendments will update the risk-based safety levels (RBSLs) to incorporate new exposure factors as incorporated in EPA's Region 9 preliminary remediation goals table and user guide. The CDLE held a public hearing August 11, 2005. For more information, contact Dick Piper at (303) 318-8502.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 12, 2005 and ended on May 9, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ANNUAL ADJUSTMENT OF AIR QUALITY FEES – The Montana Department of Environmental Quality (DEQ) is discussing amendments that would reflect the annual adjustment of air quality operation and open burning fees and revise the air quality permit application fees. The Board of Environmental Review (BER) authorized a rulemaking at a hearing held on June 3, 2005. Another hearing was held on August 3, 2005 with rule adoption anticipated for September 30, 2005. For more information, contact Charles Homer at (406) 444-5279.

INCORPORATION OF EMERGENCY EPISODE AVOIDANCE PLAN (EEAP) INTO THE SIP – The DEQ is submitting a Montana Emergency Episode Avoidance Plan (EEAP) to EPA for inclusion into the Montana SIP. The plan was approved in June 2005. The EPA is requiring the DEQ to "adopt" the plan prior to approval. The EPA contends that the plan cannot be approved because the plan text does not state that it has been formally "adopted" by the State. As such, the plan is currently approved as part of the SIP at the State level, but has not received federal approval. For more information, contact Debra Wolfe at (406) 444-7916.

ADOPTION BY REFERENCE OF CURRENT REGULATIONS – The DEQ has adopted amendments to the air quality rules found in the federal regulations, state statutes, and state rules. The rules were adopted June 3, 2005 and became effective on June 17, 2005. For more information, contact David Rusoff at (406) 444-2626.

WATER INFORMATION:

JUDITH RIVER TMDL – The DEQ is proposing a total maximum daily load (TMDL) for siltation and fish habitat degradation for the South Fork Judith River. The TMDL is not currently on a specific development schedule. For more information, contact Carol Mackin at (406) 444-7425.

TONGUE RIVER, POWDER RIVER, AND ROSEBUD CREEK TMDLS – The DEQ is developing TMDLs for the Tongue River, Powder River, and Rosebud Creek. The criteria pollutants for these TMDLs are still under development. The development of these TMDLs will last through the end of 2005. For more information, contact Robert Ray at (406) 444-5319.

BITTERROOT HEADWATERS TMDL – The DEQ is preparing a water quality assessment and TMDL for the Bitterroot headwaters. The TMDL is being reviewed internally and has not been submitted to EPA. Submittal is expected in late summer 2005. For more information, contact Greg Mathieus at (406) 444-6697.

2005 TMDLS – The following planning areas have been slated for TMDL development in 2005: Yaak, Prospect Creek, St. Regis, Cut Bank - Two Medicine, Lake Helena, Ruby, Upper Big Hole, North Fork Big Hole, Shields, Boulder, Big Timber, O'Fallon, Little Missouri, Lower Missouri, Redwater, Fort Peck Reservoir, Big and Little Dry Flatwillow, Box

Elder, and Bullwacker-Dog. For more information, contact Robert Ray (406) 444-5319. A map of the 2005, 2006, and 2007 planned TMDL developments is available at <http://www.deq.state.mt.us/wqinfo/TMDL/2005Schedual1218.pdf>.

2006 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Fisher, Lower Blackfoot, Bitterroot, Nevada Creek, and Lolo); Upper Missouri (Beaverhead, Jefferson, and Upper Boulder); Lower Missouri (Beaver, Marias-Willow Creek, Upper Milk, Upper-Middle Musselshell, Belt); and Yellowstone (Clarks Fork-Yellowstone, Stillwater-Columbus, Yellowstone-Sweetgrass, and Yellowstone-Lower Bighorn). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2006. For more information, contact Robert Ray at (406) 444-5319.

2007 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Clark Fork Drummond, Flint, Kootenai, Little Blackfoot, Lower Clark Fork, Middle Fork Clark Fork, Thompson, and Upper Clark Fork); Upper Missouri (Canyon Ferry, East Gallatin, Holter, Lower Red Rock, Lower Madison, Lower Gallatin, Lower Boulder, and Missouri Cascade); Lower Missouri (Landusky, Middle Milk and Tributaries, Big Otter, and Lower Milk- Rock); and Yellowstone (Lake Basin – Spidel, Lower Yellowstone, and Yellowstone-Rosebud). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2007. For more information, contact Robert Ray at (406) 444-5319.

MONTANA NUMERIC WATER QUALITY STANDARDS – The DEQ is proposing to update and correct WQB-7, Montana's Numeric Water Quality Standards and review the Montana Surface Water Quality Standards. A formal rulemaking is expected. For more information, contact Robert Bukantis at (406) 444-4684.

WASTE INFORMATION:

INTEGRATED SOLID WASTE MANAGEMENT PLAN – The DEQ is preparing a draft Integrated Solid Waste Management Plan. The presentation of the plan to the BER has been delayed until September 2005. For more information, contact Lori Hanka at (406) 841-5253. The draft document is available at <http://www.deq.state.mt.us/Recycle/IWMPFinaldraft.pdf>.

STANDARDIZED FORMATS FOR CORRECTIVE ACTION PLANS (CAPS) AND REPORTS – The DEQ is proposing to standardize formats for CAPs and reports for use by owners and operators of petroleum storage tank releases. The standardized CAPs have been released in draft form for tank owners and operators to use. Based on the performance of the CAPs, the DEQ will set a timeline for finalization of the plans. For more information, contact Mike Trombetta at (406) 444-5977. The draft standardized CAPs are available at <http://www.deq.state.mt.us/LUST/TechGuidDocs/techguidlist.asp>.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

TMDLS – The North Dakota Department of Health is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. For more information, contact Michael Ell at (701) 328-5214.

Water Body	Criteria Pollutant	Comments
Cannonball River	Pathogens	The comment period closed. http://www.health.state.nd.us/wq/sw/Z2_TMDL/TMDLs_Under_PublicComment/Cannonball_Bacteria_TMDL_Draft.pdf
Cheyenne River	Sedimentation and fecal coliform	The draft is complete, but its release for public comment has been delayed.
Pheasant Lake	Not determined	The TMDL has not been released.
Wild Rice River	Not determined	The TMDL has been placed on indefinite hold.
Maple River	Not determined	The TMDL is expected to be completed in mid 2005.
Dead Colt Creek	Not determined	The TMDL has been completed, but release of the TMDL for comment has been delayed.
Indian Creek	Not determined	The DOH is continuing to collect data for the TMDL.
Bear Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Bone Hill Creek	Not determined	No schedule for release of draft TMDL has been proposed.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

REGIONAL HAZE – The South Dakota Department of Environment and Natural Resources (DENR) is discussing the regional haze issue and designing implementation guidelines. The DENR is developing a regional haze SIP to protect its two Class 1 areas, Wind Cave and Badlands National Parks. The Western Regional Air Partnership (WRAP) states are in the process of developing a new Section 308 SIP template. No timeline for development is currently available. For more information, contact Rick Boddicker at (605) 773-6706.

REDESIGNATION OF SELECT PORTIONS OF THE RAPID CITY AREA – The DENR is proposing to redesignate certain areas in and around Rapid City to "attainment" from "unclassifiable" for purposes of PM 2.5. The DENR anticipates initiation of a rulemaking in September 2005. For more information, contact Brad Schultz at (605) 773-6038.

WATER INFORMATION:

DRAFT TMDLS – The DENR is discussing TMDLs for several waterbodies. Please see the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Gene Stueven at (605) 773-3296.

Water body	Basin	Criteria Pollutant	Comments
Belle Fourche River	Belle Fourche River	Total suspended solids	No further rulemaking activity scheduled. http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf
Horse Creek	Belle Fourche River	Total suspended solids	Assessment is currently underway. http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_BelleFourcheRiverandHorseCreekFinalReportAll.pdf
Whitewood Creek	Belle Fourche River	Temperature Fecal coliform	An assessment of fecal coliform is being performed for the following segments: Deadwood Creek to Spruce Gulch; Spruce Gulch to Sandy Creek; and Whitetail Summit to Gold Run Creek. The remaining segments of the Creek have been delisted.

Water body	Basin	Criteria Pollutant	Comments
Vermillion River	Vermillion River	Total suspended solids Fecal coliform	An assessment was initiated and remains ongoing. There is no schedule for development.
(Upper) North Fork Rapid Creek	Cheyenne River	Temperature	The DENR is collecting data for this TMDL and accepting comments. There is no schedule for development.
Turkey Ridge Creek	Vermillion River	Total suspended solids Nutrients	The DENR continues to prepare this TMDL. There is no schedule for development.
Little White River	White River	Total suspended solids	Assessment currently being performed. No schedule for TMDL development.
Rosette Lake	James River	Trophic state index (chlorophyll, phosphorus, and seci disk)	An assessment has not been initiated at this time.
Wilmarth Lake	James River	Trophic state index	The DENR is performing the water body assessment.
Nine Mile Lake	Big Sioux River	Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Twin Lakes	James River	Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Keya Paha	Niobrara River	Total suspended solids	The DENR is performing the water body assessment. There is no schedule for development.
Rahn Dam	Niobrara River	Trophic state index	The DENR is performing an assessment.
Richmond Lake	James River	Fecal coliform Trophic state index	The DENR is performing the water body assessment. There is no schedule for development.
Sylvan Lake	Cheyenne River	Trophic state index	The DENR has released a draft TMDL. No further timeline is available.
Legion Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Center Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.

Water body	Basin	Criteria Pollutant	Comments
Lake Waggoner	Bad River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
East Oakwood Lake	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
Lake Thompson	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Preston	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Whitewood	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
School Lake	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
Grand River	Grand River	pH Temperature Total suspended solids Fecal coliform	The DENR has initiated its assessment for pH, total suspended solids and temperature for Shadehill Reservoir to the Corson County Line. The assessments for the North and South Forks have been initiated. The assessments for the River from the Corson County Line to the Mouth of the River have not been initiated.
Sheridan Lake	Cheyenne River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Norden	Big Sioux River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Albert	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
North central portion	Big Sioux River	Total suspended solids	DENR is collecting data to develop this TMDL. Assessment initiated. No timeline for development has been proposed.
Central portion	Big Sioux River	Total suspended solids Fecal coliform.	The DENR anticipates releasing the drafts in mid-May 2005.

Water body	Basin	Criteria Pollutant	Comments
Lower portion	Big Sioux River	Total suspended solids Fecal coliform	Assessments have been initiated.
Fate water body	Missouri River	Trophic state index	The DENR is preparing final report for submittal to the EPA. http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_FateAl.pdf
Geddes Lake	Missouri River	Trophic state index	Currently conducting assessment.
Lake Andes	Missouri River	Trophic state index	The DENR has initiated the assessment. TMDL is of low priority.
Dante Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Corsica Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Academy Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Platte Lake	Missouri River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
White Lake	Red River	Trophic state index	Currently collecting data and accepting comments.

DESIGNATION OF BENEFICIAL USES FOR WATERBODIES IN FIVE BASINS – The DENR has undertaken a beneficial use analysis for specific areas within the following waterbodies (proposed beneficial uses are listed in parentheses): Minnesota River Tributaries (semipermanent fish life and limited contact recreation); Big Sioux River Basin (all warmwater marginal fish life and limited contact recreation); Cheyenne River Basin (coldwater permanent fish life and limited contact recreation); Belle Fourche River Basin (coldwater permanent fish life and limited contact recreation); and Vermillion River Basin (warmwater marginal fish life and limited contact recreation). The beneficial use designations were approved at a hearing held on July 6, 2005. The designations must be approved by EPA. For more information, contact Patrick Snyder at (605) 773-4729.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

CLEARING INDEX - The Utah Department of Environmental Quality (DEQ) is discussing amendments that would revise the definition of "clearing index." The clearing index is an indicator of the predicted rate of clearance of ground level pollutants from a given area. The DEQ held a public hearing on the proposed revision on July 19, 2005. Rule adoption is anticipated for September 7, 2005. For more information, contact Jan Miller at (801) 536-4042. The current clearing index definition can be found at <http://rules.utah.gov/publicat/code/r307/r307-101.htm>.

ATTAINMENT DESIGNATION FOR PM 10 AND SO₂ – The DEQ is proposing revisions to the PM 10 Maintenance Plan. All areas of Utah formerly designated "non-attainment" pursuant to the CAA, including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State is undergoing a revision of the PM 10 SIP to reflect this redesignation. The amendments to the plan were adopted on July 6, 2005. The revisions will become effective on September 2, 2005. The DEQ is also seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO₂. These are the only remaining Utah SO₂ non-attainment areas. New maintenance revisions for SO₂ were approved and are being submitted to EPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

WATER INFORMATION:

PROPOSED TMDL FOR THE VIRGIN RIVER – The DEQ has adopted a TMDL for the Virgin River. Various segments of the Virgin River are listed on Utah's 2002 Section 303(d) list of impaired waters for total dissolved solids, dissolved oxygen, temperature, and total phosphorus. The TMDL is pending EPA review. For more information, contact Harry Judd at (801) 538-6047.

TMDL FOR NAVAJO LAKE – The DEQ has adopted a TMDL for dissolved oxygen and a water quality management plan for Navajo Lake. The TMDL has been forwarded to the EPA and is awaiting approval. For more information, contact Harry Judd at (801) 538-6047.

INCORPORATION BY REFERENCE OF EIGHT COMPLETED TMDLS INTO STATE RULES – The DEQ has incorporated by reference eight completed and approved TMDLs into the state rules. The TMDLs are for San Pitch River, Newton Creek, Panguitch Lake, Ailver Creek, Upper Sevier River, Lower and Middle Sevier River, and Lower Colorado River. The TMDLs were approved at a hearing held on May 31, 2005. For more information, contact David Wham at (801) 538-6052.

ONSITE WASTEWATER SYSTEMS – The DEQ is proposing amendments to the Onsite Wastewater Systems Rules. The DEQ plans to repeal the existing "alternative" methods and

replace them with new, clearer methodologies that will better delineate responsibilities between the DEQ and local and state health agencies. The DEQ also expects to add five new technologies to the rules. A public hearing was held on July 7, 2005 and comments were due July 14, 2005. For more information, contact Kiran Bhayani at (801) 538-6080.

AMENDMENTS TO THE GROUND WATER CLASSIFICATION OF THE NAVAJO/KAYENTA AND UPPER ASH CREEK AQUIFERS – The DEQ has adopted a petition by the Washington County Water Conservancy District to classify ground water in a designated portion of the Navajo/Kayenta Aquifer in Washington County and the Upper Ash Creek Aquifer in Lower Iron County as Class 1A and Class II. The amendments became effective on June 17, 2005. For more information, contact Bill Damery at (801) 538-6146.

WEBER RIVER BASIN MANAGEMENT PLAN – The DEQ completed its draft plan for managing water resources in the Weber River Basin. Publication of the plan is expected in summer 2005. For more information, contact Todd Stonely at (801) 538-7277.

AMENDMENTS TO STATE WATER QUALITY STANDARDS – The DEQ has adopted amendments to the state water quality standards in response to EPA guidance. The rules became effective on June 1, 2005. For more information, contact David Wham at (801) 538-6052.

INCORPORATION OF EIGHT COMPLETED AND APPROVED TMDLS INTO STATE RULES – The DEQ is proposing to incorporate by reference eight completed and approved total maximum daily loads (TMDLs) into the state rules. The DEQ presented the amendments to the Water Quality Board for adoption. For more information, contact David Wham at (801) 538-6052.

WATER REUSE – The DEQ is discussing the amendment of the water reuse rules contained in R317-1. The DEQ received approval to proceed with the rulemaking and anticipate release of the proposed rules for public comment from July 15, 2005 to August 15, 2005. Barring significant changes in response to public comment, the changes could be adopted by September 1, 2005. For more information, contact John Kennington at (801) 538-6146.

DRINKING WATER RULES – The DEQ is proposing to amend R309-100 to update the definition of a public drinking water system and increase the frequency for conducting sanitary surveys of public water systems to remain current with federal requirements. Comments were due July 15, 2005. For more information, contact Ken Bousfield at (801) 536-4207. Notice of the rulemaking is available at <http://rules.utah.gov/publicat/bulletin/2005/20050615/27964.htm>.

UPDATES PURSUANT TO FEDERAL ARSENIC AND FILTER BACKWASH RECYCLING REGULATIONS – The DEQ is proposing to amend R309-105, 110, 200, 205, 215, 220, 505, and 535 as required by the federal arsenic and filter backwash recycling regulations. Comments were due July 15, 2005. For more information, contact Ken Bousfield at (801) 536-4207.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

SULFUR DIOXIDE MARKET TRADING PROGRAM – The Wyoming Department of Environmental Quality (DEQ), with the Western Regional Air Partnership (WRAP), has developed a market trading program for SO_x to be incorporated into the SIP. The SIP continues to be reviewed by the EPA. There are significant issues that the EPA has identified relating to the penalty component of the plan that are delaying approval. For more information, contact Tina Anderson at (307) 673-9337.

ADOPTION OF FEDERAL AIR REGULATIONS – The DEQ is preparing to adopt EPA air standards published through July 1, 2004. A public hearing to consider adoption of the revisions will be held August 10 – 12, 2005. Comments are due at the hearing. For more information, contact Tina Anderson at (307) 673-9337. The draft provisions are available online at <http://deq.state.wy.us/aqd/proposedrules.asp>.

NEW SOURCE REVIEW – The DEQ is proposing amendments to its NSR rules reflecting recent reforms made to the federal NSR program. The Department intends to propose state rules that satisfy the revised federal NSR requirements using State-specific language. A public hearing to consider adoption of the amendments will be held August 10 – 12, 2005. Comments are due at the hearing. For more information, contact Tina Anderson at (307) 673-9337. The proposed amendments are available at <http://deq.state.wy.us/aqd/prop/Chap6Sec4-Draft%2012-16-04.pdf>.

WATER INFORMATION:

RECLASSIFICATION OF AN UNNAMED TRIBUTARY AND AN ISOLATED CHANNEL – The DEQ is proposing to reclassify an unnamed tributary to Poison Spider Creek in the North Platte River Basin and an isolated channel and wetland in the Great Divide Basin. The result of these reclassifications will remove the aquatic life designation from the associated drainages. The DEQ is currently reviewing comments. For more information, contact Bill DiRienzo at (307) 777-7081.

REMOVAL OF AQUATIC LIFE DESIGNATION FOR THREE TRIBUTARIES OF DEAD HORSE CREEK IN THE POWDER RIVER BASIN – The DEQ is proposing to remove the aquatic life designation (3B) from three tributaries of Dead Horse Creek in the Powder River Basin. The DEQ accepted comments until July 29, 2005. For more information, contact Bill DiRienzo at (307) 777-7081. The use attainability analysis in support of the reclassification is available at http://deq.state.wy.us/wqd/surfacestandards/Downloads/Deadhorse/Deadhorse_trib_UAA.pdf.

AMENDMENTS TO CROSS CONNECTION AND BACKFLOW PREVENTION RULES FOR PUBLIC WATER SUPPLY DISTRIBUTION SYSTEMS – The DEQ is proposing amendments that would allow residential and domestic non-residential service connections to be exempted from the requirement to install backflow prevention devices to provide premises containment if certain conditions are met. The revisions were presented to the Environmental Quality Council (EQC). No timeline has been established. For more information, contact Lou Harmon at 307-777-7088.

WASTE INFORMATION:

ADOPTION OF FEDERAL RCRA RULES – The DEQ is redrafting amendments to its hazardous waste regulations and adopt federal RCRA rules adopted through June 30, 2001. The rule making proposal is anticipated to be submitted to the EQC in fall 2005. For more information, contact Paige Smith at (307) 777-8759.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

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